

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

THOMAS REID,

Petitioner,

v.

Case No. 05-CV-10124-BC
Honorable David M. Lawson

HUGH WOLFENBARGER,

Respondent.

ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL

This matter is before the Court on the petitioner's motion for appointment of counsel. In support of his request, the petitioner alleges that he is unable to afford counsel and that he is entitled to counsel.

A petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). The petitioner has submitted his petition and pleadings in support of his claims. Neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B).

Accordingly, it is **ORDERED** that the motion for appointment of counsel [dkt # 6] is

DENIED WITHOUT PREJUDICE. The Court will reconsider the petitioner's request if, upon further review of the pleadings, the Court determines that appointment of counsel is necessary.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 5, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 5, 2005.

s/Tracy A. Jacobs
TRACY A. JACOBS